

**Town of Superior  
Regular Council Meeting  
Thursday, January 3, 2013, 7:00 P.M.  
Superior Senior Center  
360 W. Main St., Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER:**

Vice Mayor Olga Lopez called the meeting to order at 7:02 p.m.

**B. SALUTE TO THE FLAG:**

Vice Mayor Olga Lopez led the Salute to the Flag.

**C. OPENING PRAYER:**

Council Member Chris Tomerlin led the opening prayer.

**D. ROLL CALL:**

**Present:** Council Members Chris Tomerlin, John Tameron, Soyla "Kiki" Peralta, Vice Mayor Olga Lopez **Absent:** Mayor Jayme Valenzuela, Gilbert Aguilar

**E. OATH OF OFFICE:** Irene Hansen was given the Oath of Office by Attorney Chad Niven. Mrs. Hansen signed the Oath and joined the council on the dais at 7:05 p.m. Vice Mayor Lopez welcomed her.

**F. CONSENT AGENDA:**

1. Approval of the Work Session and Regular Meeting Minutes of December 6, 2012;
2. Approval of the Executive Session Minutes of December 6, 2012.

Council reviewed the items in the consent agenda. Council Member Irene Hansen abstained from voting per advice from the Attorney due to the fact that she was not officially an Executive at these meetings.

**MOTION:** Council Member Soyla "Kiki" Peralta moved for approval of the consent agenda. Council Member Chris Tomerlin seconded the motion. **VOTE:** Motion passed with four (4) yes votes and one (1) abstention.

**G. REPORTS**

N/A

**H. COMMUNICATION:**

1. Manager's Report- Interim Town Manager Rita Wentzel:  
Update Regarding Candidates for Upcoming Spring 2013 Election;  
Report on Settlement of Jackson Case.

Ms. Wentzel reported that there are three open council seats: Gilbert Aguilar, Chris Tomerlin and Irene Hansen's; and the mayor's seat is also available. There are five (5) candidates running

for the three (3) open council seats: Gilbert Aguilar, Michael Alonzo, Stephen Estatico, Irene Hansen and Chris Tomerlin. Jayme Valenzuela is running unopposed for the mayor's seat. There have been no challenges to the petitions or to the candidates.

An Offer of Judgment was made on the Jackson case, with was accepted. The offer was a total of \$100,000 was accepted (\$33,333.33 per individual), and the Town will only be responsible for our deductible, an amount of which is between \$500.00 and \$1,000.00—considerably less than \$100,000.

**I. CALL TO THE PUBLIC**

N/A

**J. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION OF THE FOLLOWING:**

1. Presentation: Travis Pollack and Steve Shapiro, Superior Organics, will provide information Regarding the Outcome of the Medical Marijuana Lottery for CHAA District 93 (Superior-Kearny)

Ms. Wentzel introduced Travis Pollack and Steve Shapiro from Superior Organics. Steve Shapiro introduced himself as a lobbyist for awareness of the benefits of medical marijuana for cancer and pain medication use. Travis Pollack is a former dispensary owner from Colorado, who understands the compliance and regulations. Superior Organics are the winners of the medical marijuana lottery drawing for CHAA 93, which includes Superior.

Steve Shapiro and Travis Pollack asked that the Town of Superior look at the zoning properties that are currently available for the dispensary at this time. The current zoning includes the water tower, two uninhabitable buildings and several properties that are already successful businesses. Superior Organics has also been looking at properties in Kearny. While they have not approached Kearny as much as they have been working with Superior, they are aware of the guidelines of Kearny's zoning and they have found and are able to secure a couple of properties in Kearny. Again they stressed that their preference is to be in the Town of Superior and would like to work with the Town to make that happen.

After presentation, Travis Pollack asked if there were any questions. Council Member John Tameron asked what was there time frame for opening the dispensary. Superior Organics stated that they have until June to procure property for the dispensary and it could be opened in August.

Council Members John Tameron, Irene Hansen, Soyla "Kiki" Peralta, and Vice Mayor Olga Lopez had questions in regards to Federal Law.

Council Member Chris Tomerlin asked the Town attorney if the Town must follow both the State laws and the Federal Laws. Attorney Chris Wencker indicated that Superior must abide by Arizona state laws in regards to the laws passed about Medical Marijuana Dispensaries.

Attorney Chris Wencker advised that changing the zoning of where or where not the dispensary can be located or giving a dispensary a business license is not against the Federal Law. Wencker

also pointed out that the current Federal Government will not pursue actions against the Town and advised that he could give some good, frank advice during an Executive Session.

Chief Police Lou Digirolamo was asked about his opinion regarding the issues of security and crime between several individuals holding cards and having a dispensary. He stated that it would be easier to police in one area.

Questions and comments were opened to the public. Mr. Calo Arnold stated he was against opening a medical marijuana dispensary in Superior. Mr. Sonnie Samson stated that there would be another building for sale on Main St. if a dispensary was opened in Town Center. Mr. Tony Hansen had a comment. Ms. Soyla "Kiki" Peralta commented as a Nurse Practitioner. She indicated that she has seen medical marijuana work with cancer patients. Ms. Kathryn Arnold brought up budget questions for Superior Organics.

Councilman Chris Tomerlin stated that if Superior Organics asks for a variance for zoning that they should have letters of recommendations from the land owners around them for approval or he would not consider it.

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3),(A-4)&(A-7)

**J. EXECUTIVE SESSION**

N/A

**K. COUNCIL COMMENTS**

Vice Mayor Olga Lopez asked for council comments. Council members Peralta and Tomerlin had no comments.

Council member John Tameron thanked Interim Town Manager/Clerk Rita Wentzel for getting the microphones fixed.

Council member Irene Hansen wished everyone a Happy New Year and hoped everyone would work together and help each other.

Vice Mayor Olga Lopez welcomed Irene Hansen aboard and said be prepared. Lopez thanked everyone for coming and wished them a Happy New Year and stay healthy.

**L. FUTURE AGENDA ITEMS**

1. David Smith Presentation regarding Lot #3, Superior Industrial Park
2. Report on the Summer Recreation Program RICO Funds Expenditure.

Item L was not addressed at the meeting.

**L. ADJOURNMENT**

**MOTION:** Vice Mayor Olga Lopez moved to adjourn. Council member Tameron seconded. **VOTE:** Motion passed unanimously, Vice Mayor Lopez adjourned the meeting at 8:10 P.M.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 3rd day of January, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

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Rita M. Wentzel, Interim Town Manager/Clerk